

## **REMARKS**

### **I. Status of the Claims.**

Claims 66-67 and 69 have been cancelled, without prejudice or disclaimer.

Claims 1-41 are pending.

By this Amendment, no new matter has been added to the application.

### **II. Response to Restriction Requirement.**

In response to the restriction requirement under 35 U.S.C. § 121 and 372, and in accordance with 37 CFR 1.499, applicants hereby elect invention Group 1 drawn to a method of inducing/treating using oxytocin or a functional derivative thereof, **without traverse**.

The Office Action identified invention Group 1 as including claims 3 in part, 4, 15 in part, 16, 29 in part and 30. The applicants understand that the restriction requirement between the linked inventions of Groups 1-4 is subject to the non-allowance of the linking claims 1-2, 7-14, 19-28, and 33-41.

In accordance with this election, applicants reserve all rights in the non-elected and/or cancelled claims, including the right to file one or more divisional applications covering the subject matter thereof.

Furthermore, the Office Action allegedly identified more than one species of the generic invention, namely:

(1) If group 1 is elected: “oxytocin or functional derivative” and refers applicants to compare claims 4, 16 and 30;

(2) If any of group 1-4 is elected: “non-cardiomyocyte type” and refers applicants to compare claims 7-9, 19-21, and 33-35;

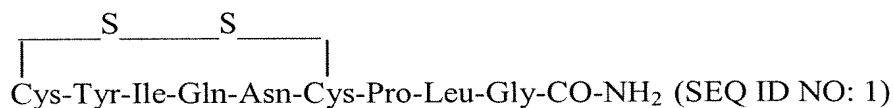
(3) If any of group 1-4 is elected: “phenotypic feature” and refers applicants to compare claims 12 and 41; and

(4) If any of group 1-4 is elected: “disease” and refers applicants to compare claim 23.

As requested in the Office Action, applicants make the following elections of species :

- (1) “oxytocin or functional derivative”

Applicants elect the species



Claims 1-12, 13-23 and 24-41 read on this species.

- (2) “non-cardiomyocyte type”

Applicants elect the species “embryonic stem cell.”

Claims 1-12, 13-23 and 24-41 read on this species.

- (3) “phenotypic feature”

Applicants elect the species “(f) level of ion channels”.

Claims 1-12 and 24-41 read on this species.

- (4) “disease”

Applicants elect the species “heart infarction”.

Claims 13-41 read on this species.

**III. CONCLUSION.** This application is believed to be in condition for allowance. A prompt and favorable action on the merits of the application is earnestly solicited.

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Respectfully submitted,

By 

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